

REMARKS

1. Claims 1-20 are pending and stand rejected in the application. This communication amends claims 1, 4, 7-10, 13, 15, 18, and 20; cancels claims 2, 5, 6, 14, 16, 17 and 19; and adds claim 21. Reconsideration of this application is respectfully requested.
2. The drawings stand objected to under 37 CFR 1.83(a) because they allegedly do not show the claimed "energy storage device/battery." This objection is respectfully traversed because the energy storage device/battery is identified by reference number 9 in FIG. 1A of the drawings. The energy storage device/battery is also discussed in paragraph [0041] of the specification where it is denoted by reference number 9. Accordingly, withdrawal of the objections to the drawings and the specification is respectfully urged.
3. Claims 1-20 stand rejected under 35 USC 112, second paragraph, as being indefinite. In response, claims 1, 8, and 10 have been amended to correct the deficiencies noted in the Office Action and claims 2, 14, 16, 17 and 19 have been canceled. Claims 4, 7, and 13 have been amended to be consistent with amended claims 1, 8, 10. Claim 21 has been added to replace canceled claim 14. Claims 15, 18 and 20 have been amended to be consistent with and depend from new claim 21.
4. Claims 6-8 contain allowable subject matter.
5. Claims 1, 3-5 and 9-13 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,935,035 to Schmidt.

In response, independent claim 1 has been amended to include essentially all of the subject matter of canceled claim 6 (the subject matter of canceled intervening claim 5 and a portion of the subject matter of intervening claim 4), which the Examiner indicated was allowable. Claim 1 now recites:

A power transmission apparatus comprising:

an input rotational coupling to which power can be applied from a prime mover and an output rotational coupling by which power can be applied to a load;

at least two electric machines, one of the electric machines connectable to one of the input rotational coupling and the output rotational coupling by independently controllable clutch devices, each of the electric machines being independently operable as a motor and as a generator;

an electric energy storage device coupled to the electric machines through a controller and operable to store and release electric energy;

first and second planetary gear sets respectively coupled to the electric machines;

a third planetary gear set having at least two sun gears, coupled to the output rotational coupling;

wherein the controller is coupled to operate the clutch devices and the electric machines in coordination so to obtain a plurality of operational ranges, the ranges differing by routing different subsets of input mechanical and electric power from the prime mover and the energy storage device into charging of the energy storage device and application of power to the output rotational coupling, and the two sun gears of the third planetary gear set are respectively coupleable by respective ones of the independently controllable clutch devices to planetary gear carriers of the first and second planetary gear sets.

Schmidt does not expressly or inherently describe the subject matter of currently amended claim 1, therefore, Schmidt does not anticipate claim 1. Claims 3 and 9-13 are not anticipated by Schmidt for at least the same reasons as set forth with respect to claim 1. Therefore, withdrawal of this rejection is respectfully urged.

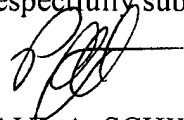
6. New claim 21 is directed to a vehicle that comprises an engine and a hybrid transmission coupled to the engine. The hybrid transmission comprises features that are essentially identical to the features recited in currently amended claim 1. Accordingly, claim 21 is believed to be allowable over the prior art of record.

7. It is noted that the Examiner has not considered claims 2 and 14-20 with respect to prior art. The limited action on these claims appears to be in opposition to MPEP 707.07(g) which states that piecemeal examination should be avoided and that the examiner ordinarily should reject each claim on all valid grounds available. The MPEP does list certain situations where limited action is appropriate, but these situations do not appear to apply to the present application.

8. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1, 4, 7-10, 13, 15, 18, 20 and 21 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

9. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



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